IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8236 OF 2006

Kolhapur Zilha Sahakari Vinkari Suit Girni Ltd. &Ors.. .. Petitioners
V/s
Annaso Kashinath Metker & Ors.... ..... Respondents.

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Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders. ) Court's or Judge's Orders

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Mr.Kiran Bapati i/by M/s.Desai &Desai Associates, Advocates. for the petitioners.

Mr.M.S.Topkar, Adv. For respondents 1 to 3.

**CORAM: A.P. DESHPANDE, J.**
9.4.2007

PC:

The respondent filed complaint ULP No.154/05 seeking direction in regard to payment of amount of gratuity to the complainants. An application Exh.U-2 was also moved claiming interim relief in that regard. The Industrial Court by an order dated 1.4.06 allowing the application at Ex.U-2 directed the

present petitioner to make payment of legal dues in regard to gratuity to the complainants which they are entitled under the law. As the said direction/interim order was not complied with, the respondents filed criminal proceedings wherein process has been issued under section 48 of the Act. The issuance of process came to be challenged under section 44 by filing revision which was dismissed by Industrial Court. Dismissal of the revision has given rise to the present petition. During the pendency of the petition interim order has been complied with barring only one employee by name Shri Alladin B. Birajdar. A communication received by th learned counsel from his client dated 4.4.07 clearly reveals that one employee who remains to be paid the gratuity amount will be paid the amount within a six weeks' time from the date of communication. Hence the grievance of

the respondent stands redressed as the petitioners have shown their bonafide by complying with order below Exh.U-2 by making payment of gratuity to the employees barring one employee. I am inclined to grant time prayed by the petitioner for payment of gratuity to the remaining one employee. Six weeks' time is granted to pay the amount of gratuity to the said employee. In this view of the matter, nothing survives in this petition. Same is disposed off in above terms. The communication dated 4.4.07 is taken on record and marked `X' for identification. In all fairness, learned counsel for the respondent submits that the moment payment is made to the last remaining employee, he will withdraw the criminal complaint filed before the Labour Court so also the original complaint filed before the Industrial Court.

9.4.07.